

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

10 RENARD POLK,)
11 Plaintiff,) 3:14-CV-0073-MMD (VPC)
12 vs.)
13 KELLY BELANGER, *et al.*,)
14 Defendants.)
/

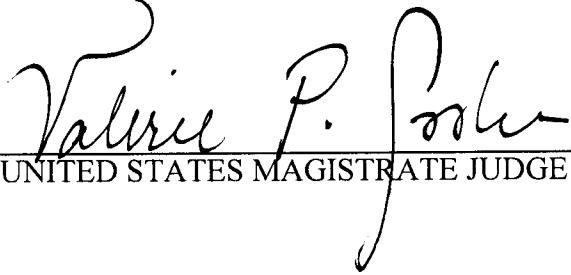
16 In this civil rights action, brought *pro se* by prisoner Renard Polk, the plaintiff has filed a
17 motion to disqualify and/or sanction U.S. Magistrate Judge (#51), requesting that the undersigned
18 recuse herself from the case. Plaintiff points to the court's minute order (#45) as the basis for the
19 request for recusal.

20 Recusal is governed by 28 U.S.C. §§ 144 and 455. Under section 144, a party seeking
21 recusal must set forth, in an affidavit, facts and reasons for the belief that bias or prejudice exists.
22 See 28 U.S.C. § 144. The standard for recusal under sections 144 and 455 is “whether a reasonable
23 person with knowledge of all the facts would conclude that the judge’s impartiality might reasonably
24 be questioned.” *United States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986). The alleged prejudice
25 must result from an extrajudicial source; a judge’s prior adverse ruling is not sufficient cause for

1 recusal. *Id.* The challenged judge should rule on the legal sufficiency of the recusal motion in the
2 first instance *Id.* at 940. Plaintiff's motion (#51) is without merit. Plaintiff has shown no reason for
3 this judge's impartiality in this case to be questioned.

4 **IT IS THEREFORE ORDERED** that plaintiff's motion to disqualify and/or sanction U.S.
5 Magistrate Judge (#51) is **DENIED**.

6 Dated: June 24, 2015.

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9 UNITED STATES MAGISTRATE JUDGE
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